

This by-law has been through 14 drafts and two Planning Board sessions. In conjunction with the by-law, the Zoning By-Law Review Committee has put together a set of Design Review Guidelines so residents can actually see what these regulations mean for the future of the Town of Mendon. Results of a recent Master Plan survey indicate that most residents approve of traditional New England style architecture for new construction. One has only to drive down Route 16 in Mendon to see what has been built when there are no regulations for architectural design.

The area covered by the Village Center District falls within the boundaries validated by the Mass Historical Commission of the historic village center. This would include town owned land northeasterly of Route 16 and a broad expanse of land southeasterly of Route 16.

The area between the Gaskill Street, Hartford Avenue East and Providence Road intersections was included at the request of the Planning Board as it is considered to be a viable location for future commercial development.

The Planning Board will be holding a public hearing for the Village Center District By-Law on Monday, October 27<sup>th</sup> at 7:15 PM. If you have concerns, questions, or suggestions relating to this by-law, please try to attend.

## **Section 5.05 Village Center District**

### **Introduction**

The idea of Village Center zoning has long been supported by Mendon residents. A report from the 1996 Mendon Growth Management Strategy states that, “A new village zoning district should be considered that would create village oriented land use regulations.” Eighteen years later, respondents to a Master Plan Survey were almost unanimous in their desire to protect and preserve the rural and historical character of the Town. Without planning, land use changes can, in a relatively short period of time, lead to dramatic and irreversible alterations in the appearance of a community. This Village Center District can provide a blueprint for the next generations of economic, social, and physical changes in this unique historic town. It is a way to take the initiative in responding to future threats to our village. It is a way to ensure that Mendon’s future is a vibrant, pedestrian- friendly place to live, work, and shop. Rural decision makers can direct growth in a way that benefits the community while preserving its rural heritage and traditions.

#### **(a) Purpose and Intent**

This Village Center District provides Mendon with an opportunity to meet the unique needs of a geographic area that will emerge over time. The By-Law anticipates that development and redevelopment will take place on smaller lots of different ownership and also anticipates that there may be opportunities for larger scale development. The

primary purposes of a Village Center District are to implement architectural design regulation and provide flexibility in development. These purposes:

- (i) Promote economic development with the virtues of a traditional New England village;
- (ii) Manage new construction so that it is compatible with village character;
- (iii) Maintain a consistently high aesthetic design standard throughout the District;
- (iv) Encourage the growth of the local economy and jobs, including development of flexible space for small and emerging businesses and opportunities for start-up and studio type small businesses.
- (v) Preserve the District's unique historical assets;
- (vi) Encourage adaptive reuse of abandoned, vacant, or underutilized structures;
- (vii) Manage vehicular traffic; and
- (viii) Comply with Mendon's Master Plan.

(b) Definitions

- (i) Approval Not Required: Lots in a new subdivision must have the approval of the Planning Board but lots on an existing and adequate public way that meet the dimensional standards set forth in Section 2.01 of the Mendon Zoning By-Law do not need Planning Board approval.
- (ii) Conservation Restriction (CR): A legal agreement entered into between a landowner and a qualified conservation organization or a government entity. A CR is recorded with the Registry of Deeds and is in perpetuity. The CR prohibits development and other uses but can allow for certain uses that are not harmful to the land.
- (iii) Cornice: The projecting uppermost portion of a wall.
- (iv) Dormer: A window set vertically in a structure projecting from a sloping roof.
- (v) Fenestration: The arrangement, proportioning, and design of windows, doors and other exterior openings of a building.
- (vi) Gable: The vertical triangular wall between the sloping ends of a gable roof.
- (vii) Garden Apartment: A residential land use surrounded by landscaped grounds.
- (viii) Mixed Use: Retail, service, and other commercial uses on the ground floor with residential units above the non-residential space.
- (ix) Mullion: A slender, vertical element that forms a division between units of a window.
- (x) Roofline Articulation: The manner in which the roof space is broken up into different sections or planes. A varied Roofline Articulation provides visual interest.
- (xi) Studio Apartment: A small apartment usually consisting of one combined living and sleeping space, a small kitchen, and a bathroom. A Studio Apartment shall be considered to have one bedroom.
- (xii) Vertical Articulation: The manner in which an outside wall is broken up into different sections or planes.

(c) Establishment

The Village Center District is hereby established and consists of those areas shown on the map on file with the Town Clerk and dated (insert date).

(d) Authority

The Planning Board shall act as the administering authority for any Site Plan Review and Stormwater Management procedure associated with this By-Law. See Section 4.02 of the Mendon Zoning By-Law and Chapter XXVI of the Mendon General By-Law. The Planning Board shall also serve as the Special Permit Granting Authority for any new construction or use that requires a special permit under this By-Law.

(e) Applicability

- (i) Construction of new commercial structures;
- (ii) Construction of Mixed Use, Garden Apartment or Approval Not Required residential structures;
- (iii) Construction of municipal buildings;
- (iv) Conversion of existing residential property to a commercial use or a Mixed Use;
- (v) Conversion of an existing single family home into a structure with 2 apartments or dwelling units; and
- (vi) Construction of a commercial accessory structure of more than 500 square feet.

(f) Design Standards

The design standards in this section shall be applied, where applicable, to new construction of commercial, municipal, Mixed Use, and Garden Apartment structures that are within the Village Center District. These standards do not apply to existing structures, or to additions to existing structures that are 500 square feet or less. The standards also do not apply to Approval Not Required dwelling units except to the extent that these units shall generally reflect traditional styles. Architectural elements that may be used to create architectural diversity include, but are not limited to, Dormers, porches, Cornices, Fenestration, Roofline Articulation and building materials.

- (i) All commercial buildings shall have a principal façade and entry facing a street or open space.
- (ii) Building finish materials may include, but shall not be limited to, brick or high quality brick- face, wood, stone or high quality stone –face.
- (iii) Mixed Use buildings shall articulate the façade in a manner that distinguishes the location of tenants through the use of decorative raised or depressed vertical surfaces.
- (iv) Schools and other municipal buildings shall be designed to reflect traditional early New England architectural styles.
- (v) On pitched roofs, roofs should be sloped and articulated with dormers, chimneys, and/or Gables.
- (vi) Windows shall be double hung with Mullion appearance where possible.
- (vii) The Planning Board may reference the Architectural Design Review Guidelines for Commercial and Mixed –Use Developments for additional detail and guidance.

(g) Site Design for New Construction

A high standard of design excellence is needed to ensure that the district appeals to the people who are going to use it and reward it with repeat visits.

- (i) Site design shall be as compact as is feasible in accordance with applicable regulations of the Mendon Board of Health and 310 CMR 15.00: The State Environmental Code Regulating Septic Systems (“Title 5”).
- (ii) Street level frontage shall be devoted to entrances and shop windows.
- (iii) More than one principle building shall be allowed on any lot, subject to issuance of a special permit.
- (iv) Common or shared driveways and parking lots are encouraged to reduce curb cuts and enhance pedestrian circulation.
- (v) At least thirty percent (30%) of the land area in a Village Center development shall remain protected open space in accordance with subsection (p) of this By-Law.
- (vi) Where residential neighborhoods or uses abut new construction within the Village Center District, appropriate transitional features shall be used and may include landscaping, open space, or parks.
- (vii) Primary entrances to proposed and existing buildings that are situated on pedestrian amenities shall have a minimum width of 10 feet.
- (viii) Sidewalks in commercial and mixed use areas shall be at least ten (10) feet to accommodate space for walking, street trees, lighting, benches, and other outdoor seating.
- (ix) Street trees of native varieties shall be planted in sufficient numbers and close enough together to form a continuous canopy at maturity. One tree type should be selected per streetscape. Trees should have a minimum diameter of 3” with a 14-16 ‘ height.
- (x) Lighting and light fixtures shall be designed as an integral part of the streetscape and shall be decorative in nature.
- (xi) Public spaces outside of buildings should provide gathering spaces, and/or parks connected by a continuous network of pedestrian routes.
- (xii) Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian access throughout the district.
- (xiii) Vehicular circulation should be safe and well organized with the use and visual impact of cars minimized.
- (xiv) There shall be no more than two means of access to the development from any existing public way.
- (xv) Buildings shall be two stories or two and one half stories, with the following exception: At the discretion of the Planning Board, one story buildings with frontage on a public way may be allowed.
- (xvi) Commercial or industrial structures and uses allowed under Section 3.01 may be exempted from subsections:
  - (f), Design Standards,
  - (g), Site Design for New Construction, and
  - (h), Lot Standards, Building Setbacks, Dimensional Requirements, providing said structures and uses are set back so as not to be visible during any season of the year from any public way.

(h) Lot Standards, Building Setbacks, Dimensional Requirements

In new construction of commercial, Mixed Use, Garden Apartment and municipal structures within the Village Center District:

- (i) Setbacks shall fall within the range of 0 to 18 feet. Setbacks for new residential or commercial construction with frontage on an existing public way shall be at the discretion of the Planning Board.
- (ii) A variety of lot sizes should be provided that allow for diverse building choices. Lot sizes for single tenant buildings shall be limited to forty thousand (40,000) square feet or less.
- (iii) The Planning Board may authorize building frontage as low as forty (40) feet.
- (iv) No building shall have a footprint larger than five thousand (5,000) square feet. However, in the case of a grocery store, the Planning Board may allow a larger footprint.
- (v) Commercial and civic or institutional buildings shall abut sidewalks where possible.
- (vi) All electrical, telephone, and other utility services shall be placed underground in accordance with the regulations of the respective utility companies.
- (vii) Lot design should allow for passive solar designs for buildings. Typically this will place longer walls along an east-to-west axis.
- (viii) Unless otherwise stated in this Section 5.05, the applicable requirements of Section 2.01, Dimensional Regulations, of the Mendon Zoning By-Law shall apply.

(i) Use Provisions

- (i) Uses in existence at the time of passage of this By-Law shall be exempt from the provisions of this Section 5.05.
- (ii) An explanatory note at the end of this By-Law is indicated by an asterisk \*.
- (iii) PB indicates uses requiring a special permit from the Planning Board.
- (iv) Uses for new construction of a commercial, Mixed Use, municipal, or residential structures within the Village Center District shall be as follows:

RESIDENTIAL
1) Single family homes and duplexes that do not require approval under the Mendon Subdivision Control Law 2) Garden Apartments PB 3) Mixed Use PB 4) Bed and Breakfast PB * 5) Conversion of an existing dwelling into 2 dwelling units. PB

BUSINESS AND RETAIL
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- 1) Retail stores, indoor sales only
- 2) Craft Shop of potter, sculptor, wood carver or similar craftsman
- 3) Artist's studio or gallery
- 4) Business or professional offices
- 5) Bank or financial Institution
- 6) Consumer repair services
- 7) Personal care services such as barber shops, beauty parlors and nail salons
- 8) Dry Cleaning establishments limited to pick up service
- 9) Restaurant or café ~~not~~ including drive-through or drive-in service
- 10) Tavern
- 11) Farmer's Market \*
- 12) Small Hotel or Inn PB
- 13) The conversion of existing residential structures for use as retail sales or service
- 14) Retail stores other than those specified above but having similar attributes

#### **ACCESSORY USES: RESIDENTIAL USES**

- 1) Structures and uses accessory to the multi-family uses including recreational facilities and/or a community building
- 2) Customary accessory uses such as private garages for not more than 3 vehicles, storage sheds, and swimming pools
- 3) The keeping of domestic livestock, principally for enjoyment or household use in accordance with Board of Health regulations.
- 4) Portable storage containers \*
- 5) Home occupations, PB \*

#### **INSTITUTIONAL, EDUCATIONAL AND MUNICIPAL USES**

- 1) Municipal administration
- 2) Exempt child care facility, as defined, and subject to the qualifications for exemption set forth in M.G.L. c. 40A, sec. 3
- 3) Family child care home as defined and in accordance with M.G.L. c. 15D, sec. 1A. \*
- 4) Community Park
- 5) Non-profit civic organizations, clubs, library or museum
- 6) Any additional agricultural, institutional, educational or religious uses that qualify for exemption set forth in MGL c. 40A, sec.3

#### **ACCESSORY USES: NON- RESIDENTIAL**

- 1) Outdoor seating associated with restaurants and cafés
- 2) ATM's;\*

### **RECREATIONAL USES**

- 1) Playing fields, trails, playground, tennis and basketball courts on municipal land
- 2) Indoor recreational and exercise facilities
- 3) Indoor commercial entertainment such as a theater, motion picture house (maximum two screens), bowling alley or other indoor amusement PB

### **MISCELLANEOUS USES**

Earth removal as defined and in accordance with the Town of Mendon By- Laws, Chapter XIV

- (v) Site Plan Review for Village Center District structures and uses may be required under Section 4.02 of the Mendon Zoning By-Law.
  - (vi) The proceedings for any special permits and the Site Plan Review shall occur in one consolidated special permit proceeding before the Planning Board.
  - (vii) A special permit granted under this section shall lapse within 18 months, which shall not include such time required to pursue the determination of an appeal, if a substantial use thereof has not commenced except for good cause.
  - (viii) Any uses not specifically or generally permitted in the table above shall be deemed prohibited.
- (j) Signs- See Architectural Design Guidelines for further detail.  
The following requirements and standards shall apply to new construction within the Village Center District where applicable:
- (i) One free standing sign, not to exceed fifty (50) square feet in area or twenty (20) feet above ground level, identifying the name of the development and any nonresidential use thereon shall be permitted at the primary entrance to the development. Identification of an individual non-residential use shall not exceed ten percent (10%) of the total area of such sign. The base or support elements of the sign should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.
  - (ii) Signs shall be externally lit from the front. Back lighting or internal illumination of signs shall not be used.
  - (iii) Roof signs, and time and temperature signs are prohibited.
  - (iv) The proposed location and size of all signs must be indicated at the time of

submission of the final plan.

- (v) Unless otherwise stated in this By-Law, applicable regulations in Section 2.06, Sign By-Law of the Mendon Zoning By-Law shall apply.

(k) Parking Requirements

Recognizing that parking requirements specified in Section 2.03 of the Mendon Zoning By-Law may hamper development of village style land use, the Planning Board is authorized to reduce said parking requirements for the use/structure proposed by 10 to 50 percent.

- (i) In mixed use structures, applicants may propose a reduction in parking requirements where peak demands overlap. Parking areas shall be located in the rear or at the side of buildings. If located at the side, screening shall be provided as specified in Section 5.05 (n).
- (ii) Parking areas for shared or community use are encouraged. Reduction of impervious surfaces is strongly encouraged for parking lots with periodic uses.
- (iii) Large parking areas, greater than twenty (20) parking spaces, shall be separated by landscaped islands of eight (8) to ten (10) feet in width. Thick plantings of trees and shrubs can reduce the visual impact of parked cars and screen parking lots from pedestrian areas. These plantings can also provide shade, visual relief, and minimize glare, noise and heat.
- (iv) Parking lots must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.
- (v) An applicant may use off-site parking to satisfy the parking requirements in accordance with the following conditions:
  - 1) Off-site parking shall be within five hundred (500) feet of the property for which it is being requested.
  - 2) Off-site property spaces that are provided by a separate property owner shall be subject to a legally binding agreement that will be presented to the Planning Board as a condition of the special permit.
- (vi) Parking associated with Mixed Use or Garden Apartment units are encouraged to include electrical automotive recharge stations as technology becomes available.
- (vii) At the discretion of the Planning Board, and unless otherwise stated in this By-Law, applicable regulations set forth in Section 2.03, Off Street Parking and Loading, of the Mendon Zoning By-Law shall apply.

(l) Garden Apartments

- (i) Garden Apartments, restricted to persons fifty- five (55) years of age or older, shall be allowed by special permit within the Village Center District, providing that:
  - 1) No building shall contain less than four (4) or more than eight (8) units.
  - 2) No Garden Apartment dwelling unit shall contain more than two (2) bedrooms.
  - 3) No Garden Apartment building shall contain more than two (2) apartments with two (2) bedrooms. Additional dwelling units shall be one bedroom or studio apartments.
- (ii) Special Regulations
  - 1) Each unit shall be occupied by at least one person fifty- five years of age or



older and no unit shall be occupied by more than three persons. No person under the age of twenty-one (21) shall reside within any unit for more than three months in any twelve month consecutive period, which shall be set forth in a deed restriction, restrictive covenant, or other document to be recorded with the special permit and to run with the land in perpetuity.

- 2) Each apartment shall have its own building entrance, or a few apartments shall share a small foyer or stairwell at each building entrance.
- 3) Each apartment shall occupy only one level.
- 4) No living spaces or rooms shall be located below the finished grade of the adjoining ground.
- 5) Not more than four (4) buildings may be constructed in a group.
- 6) Apartment buildings shall have pitched roofs with dormers or roof articulation to reduce the visual impact of large surface areas.
- 7) The site shall be enhanced by trees, shrubs, ground cover, and stone walls insofar as practicable.
- 8) Within a larger scale Village Center development, Garden Apartments may be allowed in separate buildings located to the side and rear portions of a lot or lots on which the primary structure facing the street contains a vertical mix of residential and commercial uses. Placement in relation to the principal structure shall be subject to approval of the Planning Board.

as practicable.

- 8) Within a larger scale Village Center development, Garden Apartments may be allowed in separate buildings located to the side and rear portions of a lot or lots on which the primary structure facing the street contains a vertical mix of residential and commercial uses. Placement in relation to the principal structure shall be subject to approval of the Planning Board.

(ii) Dimensional Regulations and Setbacks for Garden Apartments

- 1) Minimum lot size shall be sixty thousand (60,000) square feet.
- 2) On each Garden Apartment site there shall be provided a minimum setback of thirty-five (35) feet from the front lot line and a minimum of thirty (30) feet from the rear lot lines.
- 3) Minimum frontage shall be **two hundred (200)** feet.
- 4) There shall be a minimum distance of **sixty (60)** feet between residential buildings.
- 5) No open parking or driveway shall be closer than fifteen (15) feet to a wall containing habitable space.
- 6) Where a Garden Apartment abuts a residential district, side and rear setbacks shall be increased to fifty (50) feet, which shall be retained in its natural wooded state or landscaped along the perimeter of the site abutting the residential district.
- 7) Unless otherwise stated in this By-Law, all applicable portions of Section 2.01, Dimensional Regulations, of the Mendon Zoning By-Law shall apply.  
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- 4) There shall be a minimum distance of sixty (60) feet between residential buildings.
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- 6) Where a Garden Apartment abuts a residential district, side and rear setbacks shall be increased to fifty (50) feet, which shall be retained in its natural wooded state or landscaped along the perimeter of the site abutting the residential district.
- 7) Unless otherwise stated in this By-Law, all applicable portions of Section 2.01, Dimensional Regulations, of the Mendon Zoning By-Law shall apply.

(m) Mixed Use

Mixed Use, “above the shop” type development is encouraged within the Village Center District. See Architectural Design Guidelines for further detail.

(n) Open Space

- (i) Open space may be reserved for active or passive recreational pursuits including but not limited to, ball fields, soccer fields, community agriculture, trail systems, and parks.
- (ii) Features that may be used within open space areas may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, period lighting, shade trees, perennial gardens, picnic areas, and /or trash receptacles.
- (iii) Required open space shall be protected in perpetuity with a Conservation Restriction in accordance with applicable portions of Section 3.04, of the Mendon Zoning By-Law.
- (iv) The Planning Board shall require an applicant to document ownership of open space within the proposed development, subject to any applicable regulations set forth in Section 3.04, Open Space Community By-Law of the Mendon Zoning By-Law and, if applicable, to provide a detailed maintenance schedule to ensure the long term care of open space areas.

(o) Buffer Areas and Landscaping

The Planning Board may require buffer areas at specific locations along the perimeter of new construction in a Village Center District.

- (i) Vegetation in this buffer area shall be enhanced as necessary to provide a visual barrier.
- (ii) This buffer area shall be appropriate for the proposed use along any property

boundaries with an adjacent residential use, as well as screening for parking, loading and refuse storing facilities.

- (iii) Screening shall consist of combination of native plantings that are mostly evergreen. Evergreen trees shall be a minimum of 6 to 8 feet at the time of planting.
- (iv) Landscaping should be used to either enhance or buffer the visual relationship with the surrounding area.
- (v) Existing natural features should be assessed for incorporation into open space areas.
- (vi) Where considered appropriate, in the judgment of the Planning Board, walls and fences may be used in addition to plantings.

(p) Severability

If any provision of this by-law is held invalid by a court of competent jurisdiction, the remainder of the By-Law shall not be affected thereby.

### **Notes**

- (i) Bed and Breakfast. Private, owner occupied building with no more than 5 guest rooms which include a breakfast in the room rate and which serves meals to overnight guests only. The use must not change the single family character of the dwelling.
- (ii) Farmer's Market: A Farmer's Market consists of a group of local farmers who have come together collectively to market products, grown and raised by participating farmers, directly to the consumer. See Note 16 of the Mendon Zoning By-Law for further information.
- (iii) Portable storage containers are allowed as a temporary emergency solution during construction, reconstruction, or renovation of a residential or commercial property or for moving purposes for 90 consecutive days. In the case where a temporary use exceeds 90 days, the Building Inspector may authorize the use of portable storage containers by a building permit. In no event shall the temporary use exceed 12 consecutive months after the issuance of the permit. The Planning Board may grant a waiver from this requirement if the storage container is not within public view. Any storage container in excess of 120 square feet shall require a building permit. No portable storage container shall be located closer than 20 feet to any property line. To the extent possible, a portable storage container shall be placed to the side or rear of the property.
- (iv) Home occupations are permitted only if conforming to the following:
  - 1) No more than twenty-five percent (25%) of the floor area to a maximum of four hundred (400) square feet of the principal residence shall be used for the purpose of the home occupation.

Not more than one person who is not a member of the household shall be employed on the premises in the home occupation.
  - 2) There shall be no display, no exterior storage of material and no other variation from the residential character other than an unlighted sign not to exceed two (2) square feet in area.
  - 3) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

- 4) The parking generated shall be accommodated off street, other than in a required front yard, and shall not have more than 5 parking spaces.

The following home occupations, and no other, are permitted in the residential districts without the necessity of a special permit: The profession of medicine, dentistry, law, architecture, accounting and engineering, real estate and insurance offices, art and photo shop, domestic work, such as dressmaking, teaching of music, dramatics, arts and crafts, and academic pursuits. Home occupations other than the above specified, but having similar attributes, may be allowed on a special permit granted by the Planning Board.

- (v) Family child care and large family child care homes: a private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under 7 years of age, or children under 16 years of age if those children have special needs. The total number of children in a family child care home shall not exceed 6 and the total number of children in a large family child care home shall not exceed 10, including participating children living in the residence.
- (vi) ATM's. ATM's that are attached to a commercial structure with a drive through option may be allowed.